THE HON'BLE SRI JUSTICE V.ESWARAIAH

W.P.NO.27437 OF 2005

Dt.23.12.2005

Between:

H.Sivaiah … Petitioner

And

The Joint Collector, Anantapur

And 2 others … Respondents

ORDER:

Heard the learned counsel for the petitioner as well as the learned Government Pleader for Civil Supplies.

The petitioner is the fair price shop dealer of Mukundapuram Village, Garladinne Mandal, Anantapur District. Based on the report of the Mandal Revenue Officer, Garladinne, dated 14.9.2005, a show cause notice dated 3.10.2005 making as many as six charges has been issued to the petitioner calling upon him to submit explanation within seven days from the date of the receipt of the said notice and by separate proceedings on the same day the authorization of the petitioner has been suspended pending enquiry. Aggrieved by the said suspension order pending enquiry dated 3.10.2005, the petitioner filed an appeal before the Joint Collector, Anantapur on 5.11.2005 along with application for grant of stay. It is stated that the

first respondent while admitting the appeal rejected to grant stay of the operation of the order dated 3.10.2005 of the Revenue Divisional Officer vide proceedings dated 5.11.2005. The petitioner questions the said order of suspension pending enquiry and the order of the Joint Collector in rejecting the stay application.

In view of the six charges made against the petitioner, I am of the opinion that it is not just and proper to express any opinion on the merits of the case as the disciplinary proceedings are pending before the Revenue Divisional Officer. However, having regard to the facts and circumstances of the case, the Joint Collector, Anantapur is directed to consider and dispose of the appeal filed against the suspension order pending enquiry within four weeks from the date of receipt of a copy of this order and the Revenue Divisional Officer, Anantapur is also directed to complete the disciplinary proceedings and pass appropriate orders after giving reasonable opportunity to the petitioner in accordance with law within eight weeks from the date of receipt of a copy of this order.

The writ petition is accordingly disposed of. No costs.

(V.ESWARAIAH, J.)

23.12.2005

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